

Item 5.

Post Exhibition – Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads and Code of Practice

File No: X102443

Summary

This report seeks Council approval of the Local Approvals Policy for Construction-related Temporary Structures On and Above Roads (the “Policy”) and supporting technical controls, the proposed Code of Practice - Construction-Related Temporary Structures On and Above Roads (the “Code”).

The purpose of the Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads is to provide the framework for regulating the design, approval and installation of construction-related temporary structures on and above public roads within the City of Sydney local government area. The Policy aims to:

- (a) control, regulate, approve installation and the use of temporary structures erected on and/or above roads
- (b) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from the placement of temporary structures
- (c) provide safe and accessible public passage including high-quality amenity in public places in the vicinity of worksites
- (d) screen and secure worksites to enhance public safety and amenity; and
- (e) minimise adverse visual impacts of temporary structures in the streetscape through the display of high-quality graphics (artwork and historic images) on several types of temporary structures.

At its meeting on 16 December 2024, Council resolved to exhibit the draft Policy and Code. Exhibition seeking public and industry comment took place from 17 April 2025 to 9 June 2025. A total of 6 submissions were received (consisting of 4 survey submissions and 2 email submissions). Some further amendments to the Policy and Code are recommended following the exhibition period.

This report recommends that Council adopt the proposed Policy as shown at Attachment A and the supporting Code at Attachment B to the subject report.

Recommendation

It is resolved that:

- (A) Council note the submissions received on the exhibited draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads and Proposed Code of Practice, as shown in Attachments C and D to the subject report;
- (B) Council adopt the Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads, as shown at Attachment A to the subject report;
- (C) Council note the supporting Code of Practice: Construction-Related Temporary Structures On and Above Roads, as shown at Attachment B to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to make amendments to the Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads and Code of Practice: Construction-Related Temporary Structures On and Above Roads, to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

Attachments

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| Attachment A. | Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads |
| Attachment B. | Code of Practice - Construction-Related Temporary Structures On and Above Roads |
| Attachment C. | Engagement Report |
| Attachment D. | Summary of Submissions and City Responses |

Background

1. In 2014, the City adopted a Local Approvals Policy for the regulation of hoardings and scaffolding erected on roads. The controls have been operating effectively over this period. The Local Approvals Policy and supporting Guidelines have substantially improved the quality and appearance of temporary structures including the presentation of construction sites within streetscapes. The current Policy and Guidelines presently focus on hoardings and scaffolding. Other types of temporary structures associated with construction sites and building maintenance works are not currently subject to existing Guidelines.
2. The proposed Policy and Code will apply to these other forms of temporary structures and will continue to regulate the placement and use of commonly installed hoardings and scaffolding to:
 - (a) control, regulate, approve installations and usage of temporary structures placed on and/or above roads
 - (b) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from the placement of temporary structures on roads
 - (c) provide safe and accessible public passage including high-quality amenity in public spaces in the vicinity of worksites
 - (d) screen and secure worksites to enhance public safety and amenity
 - (e) minimise adverse visual impacts of temporary structures in the streetscape through displaying high-quality graphics (artwork and historic images) on several forms of temporary structures
3. The draft Policy and draft Code have been exhibited and feedback relating to the proposed Code has been received and considered. The following changes have been made to address these submissions:
 - (a) a new subclause added to make it clear to holders of an approval (typically builders) that in circumstances where works have stalled or ceased the City may require the removal of a temporary structure
 - (b) existing clause amended relating to counterweight heights to allow a maximum of 2.3m (exhibited draft allowed 2.1m maximum) to allow for greater design flexibility and facilitate use of readily available counterweight sizes
 - (c) new provisions added to require hoarding site fencing material to be reused or recycled, including introducing an option for the City to consider alternative forms of fence material in addition to structural-grade plywood
 - (d) additional provisions added requiring hoarding designers and contractors to better consider impacts of hoardings on bus movements in kerb lanes and at bus stops; and the need to ensure safe and convenient pedestrian movement on footways generally
4. Refer to the 'Public Consultation' section of the report for further details including detailed responses to the submissions as set out in Attachment D.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

5. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 3 - Public places for all - There are mandatory provisions in the proposed Policy and Code to meet prescribed minimum design standards to achieve a high-quality appearance of temporary structures. This includes the continuation of requirements for the display of graphics (artwork and historic images – predominately on hoardings and scaffolding) which will continue to enliven public spaces with colour, creativity and history of the city. The proposed Code also has provisions that will minimise impacts on safe and convenient movement of pedestrians and cyclists past worksites.
 - (b) Direction 5 - A city for walking, cycling and public transport - Objectives and mandatory provisions are stipulated in the proposed Code to mitigate impacts on the safe, accessible and convenient movement of pedestrians and cyclists including people with disability. The proposed Code ensure that walking routes are interesting (display of graphics on some types of temporary structures and public viewing windows in hoarding site fences), provide accessible pathways (minimum clear widths and safe surfaces) and allow comfortable environs when passing a worksite. Worksites and construction activities will be effectively isolated by well-designed and finished hoarding surfaces including requirements for ongoing maintenance, effective site fencing and overhead protection for public safety.
 - (c) Direction 8 - A thriving cultural life - The proposed Policy and Code require and encourage the display of creative artworks and historic image treatments on hoardings and scaffolding in prescribed circumstances. The proposed Code also allows the display of bespoke artwork on surfaces. Where bespoke artwork is proposed it must be by way of paid commission or license fee using an Australian artist. Bespoke historic image graphics for heritage-listed sites are also encouraged which promotes and supports the graphics design sector. These initiatives are objectives of the City of Sydney Cultural Policy 2025-2035. Temporary public art is a feature of public spaces across the city for both small and large-scale hoardings and scaffolding.

Organisational Impact

6. The introduction of the proposed Code will require internal training for officers involved in the assessment of applications and inspection of installed temporary structures. Internal processes, including adjustments to template documents and permits, will also be necessary to capture various aspects of the proposed new Code. Adjustments to application forms will also be necessary. This work will be undertaken prior to the formal commencement of the proposed Policy and Code.

Risks

7. Council's adopted Risk Appetite Statement relating to People identifies its primary objective is to prevent harm, injuries and workplace illnesses to our workers, residents, visitors and other stakeholders; and acknowledges that achieving a risk-free environment is not feasible, especially in the public domain.
8. Construction-related temporary structures are used by builders and contractors to facilitate the effective and safe undertaking of works on buildings from roads adjoining worksites. These structures affect public spaces and the users of these spaces. This work is necessary to the functioning and development of the city. The proposed Local Approvals Policy and Code of Practice control these activities in public spaces to ensure that the risks to the city's workers, residents, visitors and other stakeholders are within the City's level of tolerance to these risks. It includes provisions to prevent uncontrolled hazards and if disregard for safety regulations is identified to mitigate these risks promptly.
9. The proposed Code aligns with the SafeWork NSW 'Code of Practice: Overhead Protective Structures' (hoardings). Builders and contractors are required to comply with the NSW Code. The City's proposed Code has enhanced provisions for all forms of temporary structures with detailed provisions applying to hoardings to address public amenity, access and safety in public spaces. This is consistent with Risk
10. The proposed Code also assists persons or entities in control of a worksite to meet their safety statutory obligations of the NSW Work Health and Safety Act.
11. The City's controls exceed the NSW Code requirements in several areas but are not in conflict with the SafeWork NSW Code. The variances (enhancements) are necessary to address the special circumstances and needs of the City that the State-based code is not able to deal with in sufficient detail.

Social / Cultural / Community

12. The general public, visitors and the business community will benefit through achieving high quality design outcomes for temporary structures. Clear criteria setting out minimum standards will ensure that impacts on footways, cycleways and roadways resulting from these structures are minimised.
13. The current requirements for the display of graphics on hoardings and scaffolding will continue in the proposed Policy and Code. This aligns with the initiatives of Council's Creative City Cultural Policy 2025-2035 and Sustainable Sydney 2030-2050 Continuing the Vision strategic alignment.
14. Property owners and businesses will also benefit through new provisions that set minimum requirements for maintaining acceptable access and visibility to buildings and business premises. This includes allowing the display of wayfinding signage and temporary business identification signage on temporary structures (hoardings) in circumstances where existing operational premises and/or signage will be impacted.

Environmental

15. Provisions regulating litter, wastewater, noise and dust impacts are also included. Builders must regularly clean and maintain the roads (including footways) on which temporary structures are installed to provide high quality public amenity. Preventing construction-related debris and litter entering the stormwater drainage system is also addressed.

Relevant Legislation

16. There are several key statutes that apply when using the public spaces for the installation and use of temporary structures associated with construction and building maintenance activities. The proposed Policy has been prepared in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021. Other applicable legislation also apply.
17. The following Acts and Regulations are relevant:
 - (a) Local Government Act 1993
 - (b) Local Government (General) Regulation 2021
 - (c) Roads Act 1993
 - (d) Roads Regulation 2018
 - (e) Road Rules 2014
 - (f) Work Health and Safety Act 2011
 - (g) Work Health and Safety Regulation 2017
 - (h) Environmental Planning and Assessment Act 1979
 - (i) Environmental Planning and Assessment Regulation 2021

Critical Dates / Time Frames

18. In accordance with section 165(4) of the Local Government Act 1993, the Policy was reviewed and proposed for adoption within 12 months after the election of Council.

Public Consultation

19. Exhibition seeking public and industry comment took place from 17 April 2025 to 9 June 2025. A total of 6 submissions were received consisting of 4 survey submissions and 2 email submissions (refer to the Engagement Report at Attachment C for further details).
20. A summary of submissions received, officer responses and outcomes are set out in Attachment D.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Peter Conroy, Standards and Policy Specialist – Construction